

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JONATHAN MEDEIROS,

Plaintiff,

V.

**QUALITY LOGISTICS, INC. and
CHARLES BOYER DOTSON, JR.,**

Defendants.

Case No. 6:18-CV-526-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff brought this action against Defendants in October 2018, seeking damages resulting from the collision of Plaintiff's vehicle with a tractor-trailer owned by Defendant Qualified Logistics, Inc. and operated by Defendant Dotson. Docket No. 1 at 3–4. This case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On October 11, 2019, the Magistrate Judge issued a Report and Recommendation (Docket No. 32), recommending that Defendants' motion for summary judgment (Docket No. 27) be denied without prejudice. *Id.* at 5. The Parties were served with a copy of the Report and Recommendation via the Court's CM/ECF electronic filing system (Docket No. 32).

This Court reviews the findings and conclusions of the Magistrate Judge *de novo* only if a party objects within fourteen days of service of the Report and Recommendation 28 U.S.C. § 636(b)(1). In conducting a *de novo* review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, the Parties did not file

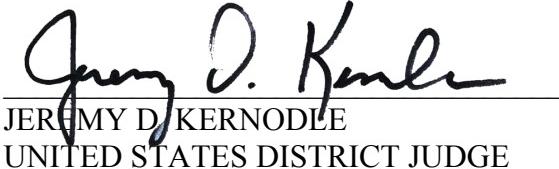
objections within the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objection to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation of the United States Magistrate Judge (Docket No. 32) as the findings of this Court.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 32) be **ADOPTED**. It is further

ORDERED that Defendants' motion for summary judgment (Docket No. 27) is **DENIED** **WITHOUT PREJUDICE**.

So **ORDERED** and **SIGNED** this **29th** day of **October, 2019**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE